

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOE,

Plaintiff,

Case No. 17-12301

Honorable Victoria A. Roberts

v.

ARSENIY BAKHSHETSYAN,

Defendant.

**ORDER: (1) DEEMING MOOT PLAINTIFF'S MOTION TO QUASH
SUBPOENA AND FOR PROTECTIVE ORDER [Doc. 5]; (2) GRANTING
PLAINTIFF'S REQUEST FOR ATTORNEY FEES; AND (3) SETTING DATES**

Plaintiff Jane Doe filed this civil rights case against Defendant Arseniy Bakhshetsyan on July 17, 2017. Defendant has been served but has not appeared, and the parties have not held a Rule 26(f) conference. Despite this, on August 2, 2017, Defendant's counsel – Stuart Friedman and David Kramer – served Plaintiff with a subpoena to take her deposition. Defense counsel served the subpoena over Plaintiff counsel's objection that the deposition was premature, and in total disregard of the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 26(d)(1) ("A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f). . .").

Plaintiff filed an Emergency Motion to Quash Subpoena and for Protective Order. [Doc. 5]. On August 8, 2017, the Court held a phone conference regarding the motion. Attending were Elinor Jordan and Sarah Prout Rennie for Plaintiff, and Mr. Friedman and Mr. Kramer for Defendant.

During the call, defense counsel informed the Court that the subpoena had been withdrawn. As a result of Defendant withdrawing the subpoena, Plaintiff's motion is **MOOT**, with the exception of her request for attorney fees.

Based on Defendants' blatant and inexcusable violation of Rule 26(d), the Court **GRANTS** Plaintiff's request for attorney fees incurred in filing the motion to quash.

Plaintiff must submit a request for attorney fees by **August 15, 2017**; the request must include declarations from Plaintiff's counsel that set forth the time spent on this matter and a reasonable hourly rate. If Defendant objects to the time spent or hourly rate used, he must file a response by **August 22, 2017**.

Moreover, the Court orders: (1) Mr. Friedman, Mr. Kramer, and Ms. Rennie to file a notice of appearance by **August 15, 2017**; (2) Defendant must file an answer or other responsive pleading to the complaint by **August 28, 2017**; and (3) Defendant must respond to Plaintiff's Motion to Proceed under Pseudonym [Doc. 2] by **August 28, 2017**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: August 9, 2017